

There is no "clear and convincing evidence" of an independent basis for the in-court identifications of Culhane and Petersen, apart from the suggestive identification procedures. The state court decisions permitting the out-of-court identifications and the in-court identifications, particularly in light of the withheld items of evidence, are an unreasonable application of the law to the facts and an unreasonable determination of the facts. De novo review of this case will produce a different result than that reached by the district court.

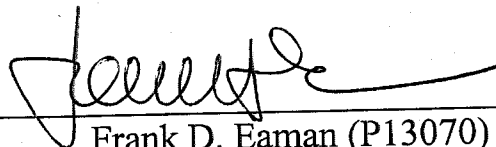
CONCLUSION

The appellant requests that this court reverse the judgment of the district court and grant petitioner's request for a writ of habeas corpus.

Respectfully submitted,

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